

FILED

DISTRICT COURT OF GUAM

OCT 24 2005 *fl*

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
DISTRICT OF GUAM TERRITORY

FRANKIE T. CAMACHO,
Plaintiff,

vs.

GUAM TERRITORY, et. al.,
Defendants

Civil No. 05-CV-00007

MOTION FOR ENLARGMENT OF TIME TO
FILE AMENDED COMPLAINT AS ORDERED

COMES NOW, Frankie T. Camacho, the plaintiff pro se in the above-styled civil action, and moves under Rule 6(b), FRCivP, requesting from this Court an extention of time to comply with this Court's Order to file amended complaint. Order dated September 26, 2005, and signed by Honorable Judge Lloyd D. George, US District Court Judge. FOR GOOD CAUSE in this Court granting such request the plaintiff gives as follows:

1. He is acting pro se without benifit of counsel;
2. He is presently being held in the prison's Special Housing Unit (SHU) where the access to law library and legal materials is severely limited and inmates must submit request and be approved certain times to use materials;
3. Plaintiff's legal documents related to this civil case are presently being detained by prison officials' due to his placement in SHU, and without access to previously filed pleadings plaintiff can not amend complaint;
4. The factual and legal basis of plaintiff's civil action require access to materials and legal library to research applicable legal authority;

ORIGINAL

5. Fundamental fairness would seem to allow for a pro se prisoner litigant additional time to comply with the Court's order to amend;
6. Plaintiff brought this action in good faith and makes this request for time with sincere need for such in order to properly access the courts for adjudication of his lawsuit;
7. The defendants would not be unduly prejudiced by any further delay in this matter in light of the fact that Plaintiff's original lawsuit was filed several months ago and the facts underlying claims will not be affected by additional time.

WHEREFORE, Plaintiff prays this Honorable Court will grant him up to and including January 1st, 2006, to file his pro se amended civil complaint. Alternatively, plaintiff would move to withdrawal "Motion to Amend" and "Amended Complaint" that has previously been filed.

Respectfully prayed for this 18th day of October, 2005.

Frankie T. Camacho
Frankie T. Camacho
Plaintiff, Pro Se

PROOF OF SERVICE

(The movant must send a copy of this motion and all attachments to the United States Attorney's office in the district in which he or she was convicted.)

I certify that on 10/18/05, I mailed a copy of this ^{Motion For Enlargement} ^{of Time} ~~Motion~~ and
(date)
all attachments

to US District Court
District of Guam
520 West Soledad Ave.
at the following address: 4th Fl. Courthouse
Hagatna, Guam 96910

<u>US Attorney</u>	<u>Guam Attorney General</u>
<u>Northern District GA</u>	<u>Dept. of Law</u>
<u>75 Spring Street, SW</u>	<u>238 Archbishop FC</u>
<u>Atlanta, GA 30303</u>	<u>Flores St.</u>
	<u>Agana, Guam 96910</u>
<u>Guam Dept. of Corrections</u>	
<u>Hagatna, Guam 96910</u>	

Frankie T. Camacho

Movant's Signature

Frankie T. Camacho # 80354-011
US Penitentiary
PO Box 150160
Atlanta, GA 30315

*Pursuant to Fed. R. App. P. 25(a)(2)(c), "A paper filed by an inmate confined in an institution is timely filed if deposited in the institution's internal mail system on or before the last day for filing. Timely filing of a paper by an inmate confined in an institution may be shown by a notarized statement or declaration (in compliance with 28 U.S.C. § 1746) setting forth the date of deposit and stating that first-class postage has been prepaid."

Motion re: 28 U.S.C. § 2255 6/99